

**In The United States Bankruptcy Court
For The Eastern District Of North Carolina
Raleigh Division**

In re:

**Kenneth Elbert Bowman, Jr.,
Debtors(s).**

**Bankruptcy Case
No. 10-01745-8-JRL
(Chapter 13)**

Address: 6209 Rein Street
Raleigh, NC
SSN: xxx-xx-6299

Motion To Pay Mortgage Payment Outside Plan

To The Honorable United States Bankruptcy Court Judge Presiding:

Kenneth Elbert Bowman, Jr. (the “**Debtor**”) files this Motion To Pay Mortgage Payment Outside Plan (the “**Motion**”), stating the following:

1. Debtor filed a Chapter 13 plan on March 4, 2010.
2. Bank of America Home Loans is listed as a secured creditor having the first mortgage on the Debtor’s residence. The non-filing spouse makes the mortgage payments with money on this loan with her personal earnings. The first mortgage is current and there are no difficulties with the mortgage company. Neither the Debtor, the mortgage company or the bankruptcy estate will derive any benefit from the mortgage being paid through the Chapter 13 plan.
3. Bank of America is listed as a secured creditor having the second mortgage on the Debtor’s primary residence. The Debtor has no difficulties with the mortgage company. Neither the Debtor, the mortgage company, nor the bankruptcy estate will derive any benefit from the mortgage being paid through the Chapter 13 plan.
4. The Debtor and his non-filing spouse own the property as tenants by the entireties and are on the Deeds of Trust as mortgagors.
5. Making the payment through the Chapter 13 plan could adversely affect the credit rating of the Debtor’s non-filing spouse.
7. The Debtor requests that the court allow payment of the monthly mortgages to be made outside the Chapter 13 plan.

Prayer

Wherefore, Debtor, respectfully requests that the Motion be granted and that Debtor be granted such other and further relief, at law or in equity, general or special, to which Debtor may be justly entitled by this pleading or by subsequent amendments to this pleading.

Dated: May 10, 2010

Respectfully submitted,
Ryan Dyson, PLLC

By: /s/ Ryan Dyson, Manager
Ryan Dyson
N.C. State Bar No. 6601
8520 Six Forks Road, Suite 101
Raleigh, North Carolina 27615-3096
919/844-6999; 919/845-8464 (facsimile)
r_dyson@bellsouth.net

Notice of Motion

To: All Creditors and Parties In Interest

Notice is hereby given of the Motion To Pay Mortgage Payment Outside Plan (the “**Motion**”) filed simultaneously herewith by Debtor in the above-captioned case; and

Further notice is hereby given that if you fail to respond or otherwise plead or request a hearing in writing within twenty-one (21) days from the date of this notice, the relief requested in the Motion may be granted without further hearing or notice; and

Further notice is hereby given that if a response and a request for a hearing is filed in writing by a creditor or other party in interest within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly.

Date of Notice: May 10, 2010

Ryan Dyson, PLLC

By: /s/ Ryan Dyson, Manager
Ryan Dyson

Certificate of Service

I, Michael Ryan Dyson, of Raleigh, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the date stated below, I served copies of the foregoing Motion To Pay Mortgage Payment Outside Plan and Notice of Motion by depositing a true and correct copy into the regular first class United States mail, postage prepaid, and properly addressed, or, if such interested party is a filing user, by serving such interested party by electronic transmission pursuant to Local Rule 5005-4(9)(b), to the following:

Mr. Kenneth E Bowman, Jr.
6209 Rein Street
Raleigh, NC 27613

Chapter 13 Trustee
PO Box 61039
Raleigh, NC 27661-1039

BAC Home Loans Cust Serv
Attn: Managing Agent
PO Box 5170
Simi Valley, CA 93062-5170

Bank of America
Attn: Bky Dept NC4-105-03-14
PO Box 26012
Greensboro NC 27420-6012

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 10, 2010

Ryan Dyson, PLLC

By: /s/ Ryan Dyson, Manager
Ryan Dyson

bky mortgage outside plan motion